

U.S. Department of Justice



United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

June 18, 2018

VIA CM/ECF

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

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Re: *United States v. Peter Kalkanis, et al.*, 18 Cr. 289 (LTS)

Dear Judge Swain,

The Government writes to update the Court on the status of discovery in the above-captioned case, and to request an additional period of six weeks to complete the production of discovery

On April 23, 2018, the parties appeared for the initial conference in this case. On or about that day, the Government produced an initial set of discovery. The Government has continued to produce discovery on a rolling basis. To date, the Government has produced the following discovery, among other things:

- insurance company files relating to the Fraudulent Lawsuits and the Accident Sites;¹
- files from multiple legal funding companies related to funding for medical procedures for the Recruited Patients and the Fraudulent Lawsuits;
- non-privileged attorney files related to some of the Fraudulent Lawsuits;
- search warrant applications and affidavits;
- cellphone toll data and location information;
- post-arrest interviews;
- consensually recorded conversations; and
- bank records.

In addition, to the extent the Government sought and obtained an email search warrant for a defendant's email account, the Government has produced the full contents of the search warrant return to the respective defendant. Finally, the Government advised defense counsel today that it

¹ Defined terms used herein have the same definitions ascribed to them in the Indictment.

is ready to produce more than 19,000 emails that the Government obtained pursuant to a search warrant from various email accounts, including accounts controlled by some of the defendants.²

Notwithstanding these efforts, there are additional categories of documents that have not yet been reviewed and therefore the Government is requesting more time to complete its Rule 16 disclosure obligations. The remaining categories of materials to be reviewed are: approximately 20,000 emails obtained pursuant to a search warrant that have been identified as potentially subject to the attorney-client privilege; the contents of eight cellphones seized on the day of the arrests of the defendants; approximately eleven boxes of hard-copy documents; and the contents of a computer seized from defendant Peter Kalkanis's residence on the day of his arrest. The review of each of these categories of materials has been subject to delay because, unlike the documents already reviewed and produced, some of these documents may be subject to the attorney-client privilege and therefore additional layers of review are needed. Moreover, the cellphones seized from the defendants on the day of the arrests are still being processed by the FBI.

Based on the foregoing, the Government respectfully requests that the Court allow up to an additional six weeks for the Government to complete its production of discovery. The Government will continue to produce discovery to the defendants on a rolling basis.

Very truly yours,

GEOFFREY S. BERMAN
United States Attorney

*The Court having been advised
that defense counsel consent
to the foregoing extension
application, the requested
extension is granted.*

by: *Nicholas Chiuchiolo*

Nicholas Chiuchiolo/ Nicholas Folly
Assistant United States Attorneys
(212) 637-1247/1060

SO ORDERED:

[Signature] 6/20/18
HON. LAURA TAYLOR SWAIN
UNITED STATES DISTRICT JUDGE

² In order to expedite the review, the Government has also utilized the assistance of at least four FBI agents who have been reviewing emails over the last several weeks (including weekends).